

Timothy J. Hogan

From: Damian Capozzola [dcaپozzola@kirkland.com]
Sent: Tuesday, February 14, 2006 6:46 AM
To: Timothy J. Hogan
Cc: Brenda Sakamoto; Eric Liebeler (E-mail); Lex Smith (E-mail); Lex Smith; Lyle Hosoda (E-mail); Lyle Hosoda (E-mail); Michael Baumann; Raina Mead
Subject: RE: PCT-B MW 02871 - 02923
Attachments: PCT-B MW 02924 - 02925.pdf

Mr. Hogan:

Have you seen PCT-B MW 2795? It is dated April 5, 2005 and reflects a billing entry dated March 26, 2005. A copy was also produced to you in May, 2005 (PCT-B MW 2357).

El Tamarindo is a vacation resort in Jalisco, Mexico. See www.eltamarindoresort.com. I stayed there and recommended it to Dr. Walker. El Tamarindo obviously has no bearing on this case, as you could easily have determined if you had done even the slightest investigation on your own.

I trust this resolves these two particular concerns, which you could have resolved yourself if you had taken the time to look through our previous PCT-B MW production materials or typed "el tamarindo" into any search engine, but obviously you did not. With trial only two weeks away I really have neither the time nor the desire to continue to jump at your command. So in response to your other e-mail here with the next bates numbers in sequence is the March 21, 2005 transmittal letter concerning the initial copyright filing, with photostatic copy of CD. The rest of your requests are respectfully denied.

Thank you for your attention to these matters.

--Damian Capozzola

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"Timothy J. Hogan" <tjh@loio.com>

02/13/2006 02:27 PM

To "Michael Baumann" <mbaumann@kirkland.com>

"Brenda Sakamoto" <bls@ksqlaw.com>, "Damian Capozzola \\\(E-mail\\)" <dcaپozzola@kirkland.com>, "Eric Liebeler \\\(E-mail\\)" <eliebeler@kirkland.com>, "Lex Smith" <lrs@ksqlaw.com>, "Lex Smith \\\(E-mail\\)" <lex@gte.net>, "Lyle Hosoda \\\(E-mail\\)" <lshosoda@hotmail.com>, "Lyle Hosoda \\\(E-mail\\)" <lsh@hosodalaw.com>, "Michael Baumann" <mbaumann@kirkland.com>, "Raina Mead" <rpbm@hosodalaw.com>

Subject RE: PCT-B MW 02871 - 02923

Dear Mr. Baumann:

Walker is communicating with your firm on March 9, 2005 but his first billing entry is April 26, 2005. In light to the withholding of material evidence we demand full un-redacted PCT check register for the period of January 1, 2005 to the present. In addition please submit all K&E time records for the same period related to the PCT and Core Mark and all documents and notes related to El Tamarindo and all web conferences related to Walker.

Tim Hogan

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From: Damian Capozzola [<mailto:dcapozzola@kirkland.com>]
Sent: Monday, February 13, 2006 9:38 AM
To: Timothy J. Hogan
Cc: Michael Baumann; lrs@ksqlaw.com; lsh@hosodalaw.com
Subject: Fw: PCT-B MW 02871 - 02923

Mr. Hogan

In the probably vain hope that this will avoid unnecessary controversy and provide you with some assurance that you have the data and information that Mr. Walker used, reviewed or looked at in forming his opinions, please find attached PCT-B MW 02871-02923, which contain e-mail transmittals between me and Dr. Walker. To save unnecessary waste of paper we have not included the attachments, which largely are self-explanatory and you should already have. (The "Page 394" on PCT-B MW 02902 is page 394 from Berry's copyright registration). By sending you this material, I am NOT stating that these e-mails are actually data or information used, reviewed or looked at by Mr. Walker, but the transmittal e-mails were sent between us.

Thank you for your attention to these matters.

--Damian Capozzola

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March 21, 2005

Martin G. Walker, PhD
Brass Rat Group, Inc.
1820 Portola Road
Woodside, California 94062

Re: Berry v. Hawaiian Express Services, Inc.

Dear Mr. Walker:

Enclosed please find a CD-rom and a printout of documents pertaining to the Certificate of Registration. If you have any questions, please feel free to contact our office.

Very truly yours,



Dora J. Silva
Secretary to Damian D. Capozzola

/djs

Enclosures

PCT-B MW 02924

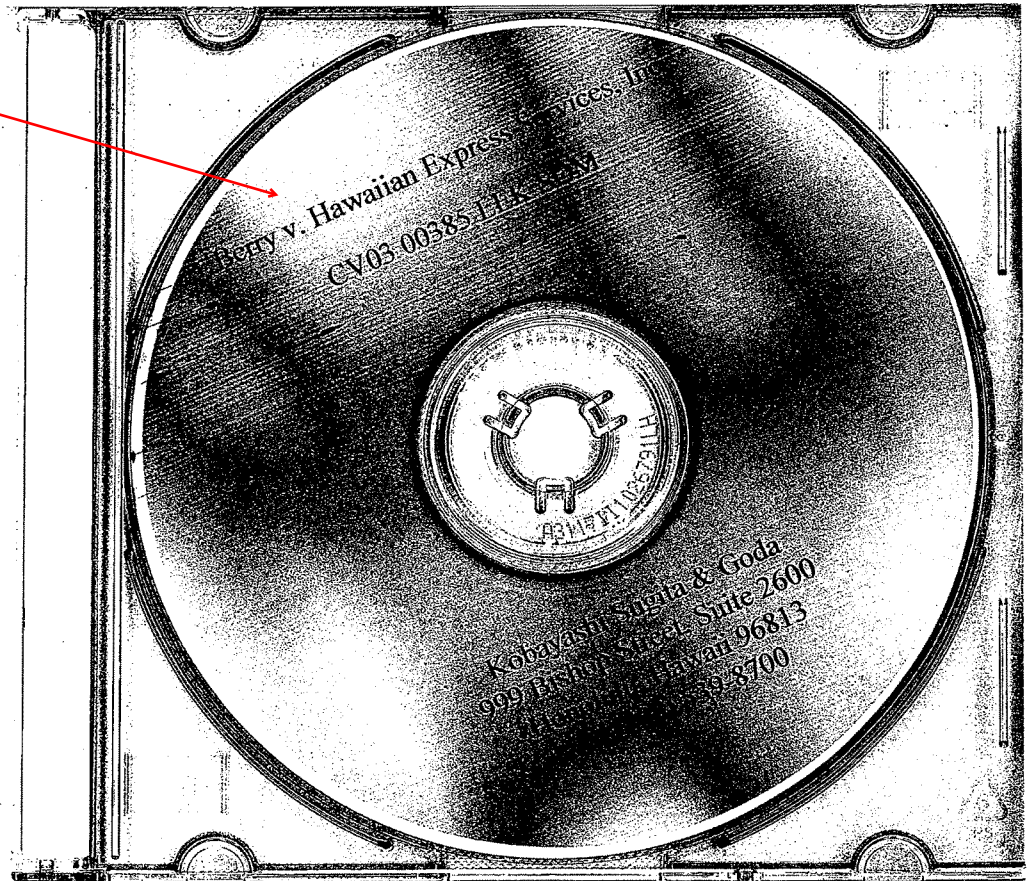
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PCT-B MW 02925